

OFFICE OF THE DIRECTOR
DEPARTMENT OF MOTOR VEHICLES
Audits Office
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March 25, 2009

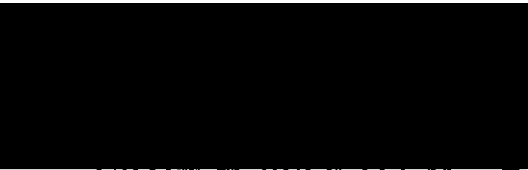
Daniel G. Bonnet, Chief Deputy District Attorney
San Joaquin County District Attorney
222 East Weber Avenue, Suite 202
PO Box 909
San Joaquin, CA 95201

File: A- 40-9053

Dear Mr. Bonnet,

The Department of Motor Vehicles' (DMV) Audits Office presents its final audit report of San Joaquin County District Attorney (SJCD) Government Requester Accounts. Please note that the attached report includes excerpts of SJCD's response to our findings, as well as our response evaluation. We have included SJCD's response in its entirety as Exhibit 1 at the end of the report.

We thank SJCD and its staff contacted during this review for their cooperation and courtesy extended to our auditors. If you have any questions regarding the audit or this report, please contact Dianne Fidalgo at (916) 657-5970.


GRACE M. RULE-ALL, Manager
Information Systems-Requester Audit Section
Audits Office

Attachment

cc: James P. Willett, District Attorney, SJCD
Edward J. Busuttil, Assistant District Attorney, SJCD
Daniel G. Bonnet, Deputy District Attorney, SJCD
Stacy Cockrum, Chief, Information Services Branch, DMV
Jerry McClain, Chief, Audits Office, DMV

**CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
EXECUTIVE AUDITS
SAN JOAQUIN COUNTY DISTRICT ATTORNEY
AUDIT REPORT
A - 40 - 9053**

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EXECUTIVE SUMMARY

The California Department of Motor Vehicles (DMV) Information Services Branch (ISB) operates an information requester program that allows external entities to access DMV records pursuant to applicable statutes of the California Vehicle Code (CVC) and California Code of Regulations Title 13, Article 5 except as prohibited by CVC Section 1808.21. As an authorized DMV Government Requester Account holder the San Joaquin County District Attorney (SJCDAs), has access to basic record and address information on California Driver License, Vehicle Registration, Occupational License, and Financial Responsibility. In accordance with its DMV Government Requester Account agreement, SJCDAs is allowed to make California DMV inquiries for its business needs.

The CVC mandates that DMV protect the privacy rights of the public by releasing only certain information authorized by statutes. Statutes and regulations allow for businesses and individuals to access DMV records containing both confidential and non-confidential information, contingent upon approval of an application and compliance with the program requirements. DMV is dedicated in its mission of securing personal information for consumer protection. To meet our obligation of protecting the public and DMV information, we reviewed SJCDAs compliance with the DMV Government Requester Account stipulations, and applicable California laws and regulations.

We conducted the audit fieldwork at the SJCDAs main office in Stockton County, California January 20, 2009. Our audit included an examination of the administrative security procedures, and the monitoring of programs that are in place to protect DMV information.

Our evaluation found that SJCDAs is approved for [REDACTED] requester codes. [REDACTED] requester codes are used by the District Attorney's office. The [REDACTED] code is used by the Investigations unit, a sub-division of the District Attorney's Office. SJCDAs obtains a majority of the information they need directly through the Department of Justice using the California Law Enforcement Telecommunications Service (CLETS) system. The current security controls in effect at SJCDAs as of January 20, 2009 are sufficient to meet the security objectives of this audit, except as noted in the *Findings and Recommendations* section of this report. However, because of inherent limitations in control systems, errors or irregularities may occur and not be detected. The findings are summarized as follows:

- Information Security Statements Not Maintained by SJCDAs Employees
- Lack of Documentation to Support Information Requests Made

BACKGROUND

SJCDA was authorized as a Government Requester Account in 1997. SJCDA was assigned [REDACTED] requester codes, [REDACTED] for Investigations unit [REDACTED] and [REDACTED] [REDACTED] for the District Attorney's office. The requester codes have the following access to DMV information:

- Driver license – to help determine physical descriptions, addresses and age of subjects suspected of welfare fraud.
- Vehicle registration – to help verify vehicles owned, and to verify place of residence of those suspected of welfare fraud.
- Financial responsibility – to help determine how much money a suspect is spending per month to live.
- Occupational license – to help verify whether or not a suspected client is employed and where he/she may be working.

SJCDA uses their requester codes to access California Driver License information for investigations and prosecution of criminal activity. The District Attorney's Office makes their requests via certified mail to DMV Information Services Branch. The Investigation's unit of SJCDA's office makes their requests via telephone to the DMV Law Enforcement unit, who in turn, releases the information needed. Once the requests have been processed, the information is returned via certified mail to the requester.

OBJECTIVES, SCOPE, AND METHODOLOGY

DMV is responsible for administering statewide programs that use and rely on information assets whether they are electronically stored or hard copy documents. DMV conducts audits and evaluations of entities accessing the information of the Department, for compliance purposes. The audit was performed in accordance with *Government Auditing Standards*, Generally Accepted Auditing Standards, and the California Department of Motor Vehicles' Government Requester Account Requirements.

The audit objectives were to verify compliance with the requirements of the requester accounts held by SJCDA, as well as applicable statutes and regulations stated in the CVC and the California Code of Regulations; and review the security procedures that SJCDA has in place to ensure the protection of DMV information. This included evaluation of SJCDA administrative procedures, and applicable monitoring programs.

Our evaluation methodology included such tests as considered necessary to meet our objectives. Interviews were conducted with SJCDA management, physical observation of the SJCDA facility to determine the levels of security, and confidentiality over DMV information.

FINDINGS AND RECOMMENDATIONS

FINDING #1 – Information Security Statements Not Maintained by SJCDA Employees

Condition: During the field audit, we interviewed the Chief Deputy of the SJCDA. The Chief Deputy informed DMV Auditors that SJCDA did not have Information Security Statements (INF 1128's) on file for employees that accessed DMV information. The Chief Deputy informed DMV Auditors that SJCDA had no prior knowledge of the Security Statement requirement. We were assured that the requirement would be met in the future.

Criteria: The California Department of Motor Vehicles Government Requester Account Requirements, Security Requirements, paragraph number 3, items (a) and (b) states:

a. Requester shall require every employee and the system administrator, having direct or incidental access to Department records, to sign a copy of the Information Security Statement (INF 1128). The INF 1128 is required upon initial authorization for access to Department records and annually thereafter.

A copy of the Requester's signed statement(s) shall be maintained on file at Requester's worksite for at least two years following the deactivation or termination of the authorization and shall be available to Department upon demand.

b. Requester shall restrict the use and knowledge of requester codes and operational manuals to employees who have signed an Information Security Statement (INF 1128).

Recommendation: SJCDA should ensure each employee authorized with direct or incidental access to DMV records sign an INF 1128 form upon initial authorization for access and the annual re-certification form thereafter. SJCDA should maintain a copy on file for at least two years following deactivation or termination of authorization.

SJCDA Response: *"In response to the findings of your recent audit, this office will make the following changes to procedures dealing with requests for DMV records that are not processed through CLETS.*

Form INF 1128 Information Security Statement will be completed by all new employees as part of in processing. Current employees have been provided with the form and all forms should be completed by 31 March 2009."

DMV Evaluation: SJCDA has distributed copies of the Security Statements to their employees for completion. We concur with the corrective action plan. The procedure is in compliance with the Government Requester Account Application.

FINDING #2 –Lack of Documentation to Support Information Requests Made

Condition: SJCDA was unable to provide supporting documentation for information requests made for the period, July 1, 2007 through June 30, 2008.

Supporting documentation establishes an audit trail to ensure that information requests are for the business purpose approved by DMV. The goal is to ensure that DMV information is not misused and proper use of the assigned requester codes are in effect.

Criteria: The Government Requester Account Application Section E states in part, *"Requesters documentation supporting the reason for inquiry, including but not limited to, transaction details, and computer software/programs maintained for the purposes defined in this Agreement, shall be subject to inspection, review, or audit by Department or its designee for a period of two years from the date of the request..."*

Recommendation: SJCDA should establish a system that ensures information requests can be tracked to the documentation that supports the business use of the information requested.


SJCDA Response: *"A manual log is being created at the main and branch offices as a temporary measure. Staff will also be advised to refrain from using telephonic or written requests on a routine basis and to use CLETS whenever possible."*

The office is in the process of developing and installing a case management system which will include a detail a notation that a non – CLETS record request was submitted to DMV. Reports can then be compiled on request to identify all such cases. This cannot be done with our current case management system. Our new system is scheduled to be in place by 31 August 2009."

DMV Evaluation: We concur with SJCDA's corrective action plan. The procedure is in compliance with the Government Requester Account Application requirements. We are requesting that a follow-up be made immediately after the system is in place.

CONCLUSION

SJCDA operates a system and program that permits its authorized end users access to DMV information, and provides assurance that access to the information is appropriately controlled and monitored in accordance with the requirements of its Government Requester Accounts. Accordingly, the mechanisms and controls in place to protect information received from DMV taken as a whole are sufficient and functioning properly to fulfill the program objectives. The audit resulted in two findings. One related to security requirements and the other was the lack of supporting documentation and an audit log for all requests. SJCDA concurs with the findings.



GRACE M. RULE-ALI, MANAGER

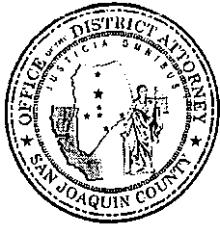
Information Systems-Requester Audit Section
Audits Office
(916) 657-5828

March 25, 2009

Review Team:

Benedicta Ikhalo, Auditor In-Charge, Auditor
Charlotte Chigbu, Auditor

EXHIBIT 1



**OFFICE OF THE DISTRICT ATTORNEY
SAN JOAQUIN COUNTY**

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JAMES P. WILLETT
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ASSISTANT DISTRICT ATTORNEY

9 March 2009

Department of Motor Vehicles - Audits Office
Commercial and Government Requester Audit Unit
Attn: Benedicta Ikhalo
2570 24th Street, MS H-230
Sacramento, CA 95818

RE: Audit Report A - 40 - 9053

Dear Ms. Ikhalo:

In response to the findings of your recent audit, this office will make the following changes to procedures dealing with requests for DMV records that are not processed through CLETS.

1. Information Security Statements.

Form INF 1128 Information Security Statement will be completed by all new employees as part of in processing. Current employees have been provided with the form and all forms should be completed by 31 March 2009.

2. Documentation for Information Requests

A manual log is being created at the main and branch offices as a temporary measure. Staff will also be advised to refrain from using telephonic or written requests on a routine basis and to use CLETS whenever possible.

The office is in the process of developing and installing a case management system which will include as a case detail a notation that a non-CLETS record request was submitted to DMV. Reports can then be compiled on request to identify all such cases. This cannot be done with our current case management system. Our new system is scheduled to be in place by 31 August 2009.

Very truly yours,

James P. Willett
OFFICE OF THE DISTRICT ATTORNEY

[REDACTED]
Daniel G. Bonnet
Chief Deputy District Attorney

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